


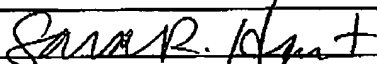
PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/698,526	CENTRAL FAX CENTER
	Filing Date	April 18, 2000	
	First Named Inventor	Vassilovski et al.	APR 21 2006
	Art Unit	2193	
	Examiner Name	Wood, William H.	
Total Number of Pages in This Submission	Attorney Docket Number	990301	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition * <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): * Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b); Exhibit A and Exhibit B.
Remarks		
Customer No. 23696		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Qualcomm Incorporated	
Signature		
Printed name	Dang M. Vo	
Date	April 21, 2006	Reg. No. 45,183

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Sara R. Hart	Date April 21, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

4/21/2006
(Date of Deposit)
Sara R. Hart
(Name of the Person Making the Deposit)

(Signature)

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APR 21 2006

3. This application became abandoned unintentional.

4. Proposed reply:

- ☒ was faxed to the USPTO on December 28, 2005.
- ☐ is attached.
- ☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

5. Fee (37 CFR 1.17(m))

Application status is:

- ☐ small entity – fee \$750.00.
 - ☐ Verified Statement attached.
 - ☐ Verified Statement filed.
- ☒ other than small entity – fee \$1,500.00.

6. Payment of fee:

- ☒ Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated in the amount of \$1,500.00
The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed.
- ☒ The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

04/26/2006 TL0111 00000067 170026 09698526
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CASE HISTORY

1. **01.14.2004** – A Final Office Action was mailed to the Applicants.
2. **04.18.2004** – A first reply responding to the Final Office Action was faxed to the USPTO.
3. **05.05.2004** – An Advisory Action was mailed to Applicants indicating that the first reply fails to place the application in condition for allowance.
4. **05.26.2004** – A telephonic interview was held.
5. **05.27.2004** – A second reply responding to the Final Office Action was faxed to the USPTO. In such second reply, Applicants amended the claims and believed that such amendments would place the application in condition for allowance in light of the telephonic interview with the Examiner. Regarding Applicants' faxing of the second reply to the USPTO, Applicants do have a confirmation from Applicants' fax machine but does not have any confirmation from the USPTO regarding its receipt of the second reply.
6. **06.16.2004** – An Interview Summary was mailed to Applicants.
7. **09.15.2004** – The Examiner called Applicants indicating that the application has been **abandoned**. During the call, the Examiner also stated that the Examiner did not receive the second reply, which Applicants had faxed to the Examiner on 05.27.2004. Thus, at this time, Applicants believed that the application was incorrectly abandoned because [1] the Examiner did not receive the second reply and [2] Applicants still believed that the amended claims in the second reply would place the application in condition for allowance.
8. **09.17.2004** – Based on the verbal notification by the Examiner that the application has been abandoned, Applicants filed a first Petition to Withdraw Holding of Abandonment because, at that time, Applicants believed that the application was incorrectly abandoned for the following reasons: [1] the second reply might have been misplaced once it was received by the USPTO and [2] Applicants still believed that the amended claims in the second reply would place the application in condition for allowance. In such petition, Applicants also included the confirmation from Applicants' own fax machine to show that the second reply had been faxed by Applicants and that the USPTO should have received it.

9. **03.22.2005** – A Notice of Abandonment was mailed to Applicants. In such notice, the Examiner indicated that the first reply (see above Statement 1) and the second reply (see above Statements 5 and 8) had been considered by the Examiner but both of such replies still fail to place the application in condition for allowance. Accordingly, Applicants had failed to timely respond to the Final Office Action dated 01.14.04.

10. **04.05.2005** – Applicants filed [1] a Request for Continued Examination (RCE) and [2] a second Petition to Withdraw Holding of Abandonment by presenting similar facts as those being presented in the first Petition to Withdraw Holding of Abandonment (see Statement 8). Applicants now, i.e., as of **04.21.2006**, realize that, instead of filing the second Petition to Withdraw Holding of Abandonment, **Applicants should have filed a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).**

11. **06.30.2005** – In response to Applicants' filing of the RCE and the second Petition to Withdraw Holding of Abandonment, a Non-Final Office Action was improperly mailed to Applicants in light of Statement 10. **The USPTO should have mailed a decision denying Applicants' second Petition to Withdraw Holding of Abandonment.**

10. **12.28.2005** – A reply responding to the Non-Final Office Action was faxed to USPTO. Applicants would like to note that **Applicants should have known that the application had been abandoned but respectfully submit that Applicants did not realize its abandonment at this time especially in light of receiving the Non-Final Office Action from the USPTO.**

11. **03.09.2006** – A telephonic conversation between the Examiner and Applicants' representative Peng Zhu (Reg. No. 48,063) occurred during which the parties discussed the history of this application especially regarding its abandonment.

12. **03.24.2006** – A decision denying Applicants' second Petition to Withdraw Holding of Abandonment was mailed to Applicants.

REMARKS

Based on the case history discussed above, this petition to revive the unintentionally abandoned application is in compliance with 37 C.F.R. §1.137. The undersigned respectfully requests that all papers of record, except for the Petition to Withdraw Holding of Abandonment, filed between April 5, 2005 and December 28, 2005 be re-instated and that prosecution be continued. Enclosed are copies of the items filed between April 5, 2005 and December 28, 2005 identified as Exhibit A and Exhibit B.

The undersigned declares further that all statements made herein are of his or her own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: 4/21/06

By: 

Dang M. Vo, Reg. No. 45,183
(858) 845-2116

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
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QUALCOMM
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5775 Morehouse Drive
San Diego, CA 92121
Fax: (619) 658-2512

OFFICIAL COMMUNICATION

Facsimile Transmittal

DATE: April 5, 2006

TO: Commissioner for Patents

ATTN: Examiner: William H Wood
Art Unit: 2114

FAX NUMBER: (703) 872-0306

FROM: Abdullah Kathab, Attorney for Applicant
Registration No. 43,325

Total Number of Pages Sent: 15 (including this transmittal cover sheet)

TRANSMITTED BY FACSIMILE:

ATTORNEY DOCKET NO.: 990301

ENCLOSED ARE:

- HULK Transmittal (in duplicate)
- Petition to Withdraw Holding of Abandonment (2 pages)
- Amendment (9 pages)

APPLICANT: Qualcomm and Sony
ASSIGNEE: QUALCOMM Incorporated
SERIAL NO.: 09/084,916
FILED: October 30, 2000
FOR: METHOD AND APPARATUS FOR CONFIGURATION MANAGEMENT
FOR A COMPUTING DEVICE

Please contact Carole Casey at (858) 845-0157 if all pages do not transmit.

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Date : Apr-05 04:13pm
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OFFICIAL COMMUNICATION



5775 Morehouse Drive
San Diego, CA 92121
Fax: (858) 658-2502

Facsimile Transmittal

DATE: April 5, 2005
TO: Commissioner for Patents
ATTN: Examiner: William H Wood
Art Unit: 2124
FAX NUMBER: (703) 872-9306
FROM: Abdollah Katbab, Attorney for Applicant
Registration No. 45,325

Total Number of Pages Sent: 15 (including this transmittal cover sheet)

FILING BY FACSIMILE:

ATTORNEY DOCKET NO.: 990301

ENCLOSED ARE:

- ECR Transmittal (in duplicate)
- Petition to Withdraw Holding of Abandonment (3 pages)
- Amendment (2 pages)

APPLICANT: Vassilovski and Tseng
ASSIGNEE: QUALCOMM Incorporated
SERIAL NO.: 09600,326
FILED: October 24, 2000
FOR: METHOD AND APPARATUS FOR CONFIGURATION MANAGEMENT
FOR A COMPUTING DEVICE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Section (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/698,526
Filing Date	October 26, 2000
First Named Inventor	Dan Vassilovski
Group Art Unit	2124
Examiner Name	William H. Wood
Attorney Docket Number	990301

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.134(i) (PTO/550/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50952 (Aug. 16, 2000); Interim Rule, 43 Fed. Reg. 14863 (Mar. 30, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which estimated RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
- b. ☒ Other Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 which the RCE is filed.

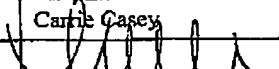
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 17-0026
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.117)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Date	April 5, 2005	Signature	Abdollah Karbab
		Abdollah Karbab, Reg. No. 45,325 (858)651-4132	

CERTIFICATE OF MAILING OR TRANSMISSION

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Name (Print Type)	Carrie Casey	Date	April 5, 2005
Signature			

Send all correspondence to Customer No. 023696 at the following address:
QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
Filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/698,526
<i>Filing Date</i>	October 26, 2000
<i>First Named Inventor</i>	Dan Vassilovski
<i>Group Art Unit</i>	2124
<i>Examiner Name</i>	William H. Wood
<i>Attorney Docket Number</i>	990301

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.334(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 10092 (Aug. 16, 2000); *Interim Rule*, 63 Fed. Reg. 14563 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which amended RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

DUPLICATE

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☒ Other Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 which the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 17-0026
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.117)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2035 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Date	April 5, 2005	Signature	<i>Abdollah Karbab</i>
		Abdollah Karbab, Reg. No. 45,325 (858)651-4132	

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Name (Print Type)	Carrie Casey	Date	April 5, 2005
Signature	<i>[Signature]</i>		

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)
Vassilovski and Tong) For: METHOD AND APPARATUS FOR
Serial No. 09/698,526) CONFIGURATION
Filed: October 26, 2000) MANAGEMENT FOR A
Group No. 2124) COMPUTING DEVICE

AMENDMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request the above-identified application be amended as follows:

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: _____
(type or print name)

Date: May 27, 2004

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office on April 5, 2005.

Depositor's Name: Carrie Casey
(type or print name)

Signature:  _____

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method for configuration management for a computing device, comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device through an interface;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

loading updating said resident software with said available software ~~into said storage device~~ if said resident software has not been authenticated; and

setting an authentication flag if said resident software is not authenticated but said available software is authenticated.

2. (Currently Amended) A method for configuration management for a computing device, comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device through an interface;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

loading updating said resident software with said available software if one of the following three conditions is met:

(1) said resident software is authenticated and said available software is are authenticated,

(2) said resident software and said available software are not authenticated,

(3) said resident software is not authenticated but said available software is authenticated.

3. (Previously Presented) The method of claim 2 wherein said determining whether or not said resident software is authenticated comprises of:

determining whether or not an authentication flag has been set;
wherein said resident software is determined to be authenticated if an authentication flag has been set; otherwise
said resident software is determined to be unauthenticated.

4. (Currently Amended) The method of claim 3 wherein said authentication flag is set when said authenticated software is loaded onto said computing device if said resident software is not authenticated but said available software is authenticated.

5. (Previously Presented) The method of claim 4 wherein said authentication flag is set by a service technician.

6. (Previously Presented) The method of claim 2 wherein said determining whether or not said resident software is authenticated comprises of performing a direct authentication procedure on said resident software.

7. (Previously Presented) The method of claim 6 wherein said performing a direct authentication procedure comprises performing a cyclic redundancy check.

8. (Previously Presented) The method of claim 6 wherein said performing a direct authentication procedure comprises performing a secure hashing algorithm.

9. (Currently Amended) An apparatus for performing configuration management for a computing device, comprising:

an interface for providing available software to be loaded into said computing device to update a resident software within said computing device;

a storage device for storing said resident software and a set of executable computer instructions for determining whether or not said available software and said resident software are authenticated;

a processor for executing said set of executable computer instructions and for: loading updating said resident software with said available software ~~into said computing device~~ if said resident software is not authenticated; and

setting an authentication flag if said resident software is not authenticated but said available software is authenticated.

10. (Currently Amended) An apparatus for performing configuration

management for a computing device, comprising:

an interface for providing available software to be loaded into said computing device to update a resident software within said computing device;

a storage device for storing said resident software and a set of executable computer instructions for determining whether or not said available software and said resident software are authenticated;

a processor for executing said set of executable computer instructions and for:

rejecting said available software if said resident software has been authenticated and said available software is not authenticated; and

loading updating said resident software with said available software if one of the following three conditions is met:

(1) ~~said resident software is authenticated~~ and said available software is are authenticated,

(2) said resident software and said available software are not authenticated,

(3) said resident software is not authenticated but said available software is authenticated.

11. (Previously Presented) The apparatus of claim 10 wherein:

said storage device is further for storing an authentication flag for indicating the authentication status of said computing device; and

said processor is further for determining whether or not said resident software is authenticated based on said authentication flag.

12. (Currently Amended) The apparatus of claim 11 wherein said authentication flag is set when said authenticated software is loaded onto said computing device if said resident software is not authenticated but said available software is authenticated.

13. (Currently Amended) The apparatus of claim 12[[1]] wherein said authentication flag is set by a service technician.

14. (Previously Presented) The apparatus of claim 10 wherein said processor is further for performing a direct authentication procedure on said resident software to determine whether or not said resident software is authenticated.

15. (Previously Presented) The apparatus of claim 14 wherein said performing a direct authentication procedure comprises performing a cyclic redundancy check.

16. (Previously Presented) The apparatus of claim 14 wherein said performing a direct authentication procedure comprises performing a secure hashing algorithm.

17. (Currently Amended) An apparatus for configuration management for a computing device, comprising:

means for providing available software to be loaded into said computing device to update a resident software within said computing device ~~through an interface~~;

means for determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

means for determining whether or not said available software is authenticated;

means for ~~loading~~ updating said resident software with said available software ~~into said storage device~~ if said resident software has not been authenticated; and

means for setting an authentication flag if said resident software is not authenticated ~~but~~ said available software is authenticated.

18. (Currently Amended) An apparatus for implementing a method for configuration management for a computing device, comprising:

means for providing available software to be loaded into said computing device to update a resident software within said computing device through an interface;

means for determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

means for determining whether or not said available software is authenticated;

means for rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

means for ~~loading~~ updating said resident software with said available software if one of the following three conditions is met:

(1) ~~said resident software is authenticated~~ and said available software is ~~are~~ authenticated,

(2) said resident software and said available software are not authenticated,

(3) said resident software is not authenticated but said available software is authenticated.

19. (Currently Amended) A computer-readable medium embodying codes for implementing a method for configuration management for a computing device, the method comprising :

providing available software to be loaded into said computing device to update a resident software within said computing device ~~through an interface~~;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

~~loading~~ updating said resident software with said available software ~~into said storage device~~ if said resident software has not been authenticated; and

setting an authentication flag if said resident software is not authenticated but said available software is authenticated.

20. (Currently Amended) A computer-readable medium embodying codes for implementing a method for configuration management for a computing device, comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device ~~through an interface~~;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

~~loading~~ updating said resident software with said available software if one of the following three conditions is met:

(1) ~~said resident software is authenticated~~ and said available software ~~is~~ are authenticated;

(2) said resident software and said available software are not authenticated;

(3) said resident software is not authenticated but said available software is authenticated.

REMARKS

Claims 1-20 are pending in the present application. In the above amendments, claims 1, 2, 4, 9-10, 12-13 and 17-20 have been amended. Therefore, after entry of the above amendments, claims 1-20 will be still pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

1. Rejection under 35 U.S.C. Section 102(e)

The Examiner rejected Claims 2-3, 5-6, 10-11, 13-14, 18, and 20 are being allegedly anticipated by U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Per Claims 2, 10, 18, and 20, Applicants respectfully submit that Shaw does not disclose "updating said resident software with said available software if one of the following three conditions is met: (1) said resident software and said available software are authenticated, (2) said resident software and said available software are not authenticated, or (3) said resident software is not authenticated but said available software is authenticated," as now claimed. The support for this limitation is provided by FIG. 2, for example.

Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the Downloader 70 has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Furthermore, Shaw does not disclose "rejecting said available software if said resident software is authenticated and said available software is not authenticated." In col. 3, line 66 to col. 4, line 5, only the resident program is checked, and if it is corrupt it would be updated. This is totally different from the above claimed limitations.

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

2. Rejection under 35 U.S.C. Section 103(a)

The Examiner rejected Claims 1, 4, 9, 12, 17 and 19 are being allegedly unpatentable over U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Shaw does not disclose "setting an authentication flag if said resident software is not authenticated and said available software is authenticated," for the reason that Shaw does not disclose "determining whether or not said available software is authenticated." Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the code has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: April 5, 2005

By: Abdollah Katbab
Abdollah Katbab, Reg. No. 45,325
(858) 651-4132

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502

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EXHIBIT D

USPTO 12/28/2005 4:43 PM PAGE 1/001 Fax Server
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Doc-28-01	01:33pm	From-QUALCOMM AF-210A	858-845-2550	T-124	P.021/011	F-010
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5778 Morehouse Drive
San Diego, CA 92121
Fax: (858) 658-2502

OFFICIAL COMMUNICATION

Facsimile Transmittal

DATE: December 28, 2005

TO: Commissioner for Patents

ATTN: Examiner: William H Wood
Art Units 3124

FAX NUMBER: (703) 872-0306

FROM: Abdoljab Karbala, Attorney for Applicant
Registration No. 45,325

Total Number of Pages Sent: 11 (including this transmittal cover sheet)

FILING BY FACSIMILE:

ATTORNEY DOCKET NO.: 990301

EXCLUDED AND:

- Appendix Transmittal (in duplicate)
- Appendix (2 pages)

APPLICANT: Vaidhesh and Teng

ASSIGNOR: QUALCOMM Incorporated

SERIAL NO.: 0698624

FILED: October 14, 2005

FOR: METHOD AND APPARATUS FOR CONFIGURATION MANAGEMENT FOR A COMPUTING DEVICE

Please contact Carrie Casey at (858) 845-0157 if all pages do not transmit.

Special Instructions: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND CONTAINS INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately. Thank you!

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San Diego, CA 92121
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Facsimile Transmittal

DATE: December 28, 2005
TO: Commissioner for Patents
ATTN: Examiner: William H Wood
Art Unit: 2124
FAX NUMBER: (703) 572-9306
FROM: Abdollah Kathab, Attorney for Applicant
Registration No. 45,323
Total Number of Pages Sent: 11 (including this transmittal cover sheet)

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ATTORNEY DOCKET NO.: 990301

ENCLOSED ARE:

- Amendment Transmittal (in duplicate)
- Amendment (8 pages)

APPLICANT: Vassiloyd and Tong

ASSIGNOR: QUALCOMM Incorporated

SERIAL NO.: 09/098,526

FILED: October 26, 2000

FOR: METHOD AND APPARATUS FOR CONFIGURATION MANAGEMENT

FOR A COMPUTING DEVICE

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PTO/SB/21

APR 21 2006

U.S. Department of Commerce
Patent and Trademark Office
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AMENDMENT TRANSMITTAL FORM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Customer No.: 23696
Attorney Docket No.: 990301
In Re Application of: Vassilovski and Tong
Serial Number: 09/698,526
Filed: October 26, 2000
Examiner: William T. Hood
Group Art Unit: 2124

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above identified application.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entry Fee	Fee Paid
Total*	12	20	0	x \$50 =	\$0
Independent**	6	8	0	x \$200 =	\$0
Multiple Dependent Claim(s): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				\$360	\$0
EXTENSION FEES				<input type="checkbox"/> One Month	\$120
				<input type="checkbox"/> Two Months	\$450
				<input checked="" type="checkbox"/> Three Months	\$1020
TERMINAL DISCLAIMER				\$130	\$0
				TOTAL FEE	\$1,020.00

*If the number in column a is less than 20, enter 0 in column c.
**If the number in column a is less than 3, enter 0 in column c.

4. ☐ Fee check in the amount of \$_____ is enclosed to pay for any claim and/or extension fees.
5. ☒ Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated the amount of **\$1,020.00**.
The Commissioner is hereby authorized to charge payment of any additional fees that may be required, or credit any overpayment to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed for fee processing.
6. ☒ The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

Date: December 28, 2005

Signature: Abdollah Karbab
Abdollah Karbab, Reg. No. 45,325
(858) 651-4132QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: _____
(type or print name)

Date: _____

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office on December 28, 2005.

Depositor's Name: Carrie Casey
(type or print name)Signature: Carrie Casey

PTO/SB/21

U.S. Department of Commerce
Patent and Trademark Office
PATENT

AMENDMENT TRANSMITTAL FORM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Customer No.: 23696
Attorney Docket No.: 990301
In Re Application of: Vassilovski and Tong
Serial Number: 09/698,526
Filed: October 26, 2000
Examiner: William T. Hood
Group Art Unit: 2124

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above identified application.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entry Fee	Fee Paid
Total*	12	20	0	x \$50 =	\$0
Independent**	6	8	0	x \$200 =	\$0
Multiple Dependent Claim(s): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				\$360	\$0
EXTENSION FEES <input type="checkbox"/> One Month <input type="checkbox"/> Two Months <input checked="" type="checkbox"/> Three Months				\$120	\$0
				\$450	\$0
				\$1020	\$1,020
TERMINAL DISCLAIMER				\$130	\$0
				TOTAL FEE	\$1,020.00

*If the number in column a is less than 20, enter 0 in column c.

**If the number in column a is less than 3, enter 0 in column c.

4. ☐ Fee check in the amount of \$_____ is enclosed to pay for any claim and/or extension fees.
5. ☒ Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated the amount of **\$1,020.00**.
The Commissioner is hereby authorized to charge payment of any additional fees that may be required, or credit any overpayment to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed for fee processing.
6. ☒ The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

Date: December 28, 2005

Signature: Abdollah Katbab
Abdollah Katbab, Reg. No. 45,325
(858) 651-4132QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502

DUPLICATE

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

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(type or print name)Signature: [Signature]

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APR 21 2006

Attorney Docket No. 990301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Vassilovski and Tong

Serial No. 09/698,526

Filed: October 26, 2000

**For: METHOD AND APPARATUS FOR
CONFIGURATION
MANAGEMENT FOR A
COMPUTING DEVICE**

Group No. 2124

AMENDMENT

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated June 30, 2005, Applicants hereby petition for a two-month extension of time until December 30, 2005. Please amend the above-identified application as follows:

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name:

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Date:

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office on December 28, 2005.

Depositor's Name: Carrie Casey
(type or print name)

Signature:

print name) Chris Cox

Attorney Docket No. 990301

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method for configuration management for a computing device, comprising:
 - providing available software to be loaded into said computing device to update a resident software within said computing device;
 - determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;
 - determining whether or not said available software is authenticated;
 - updating said resident software with said available software if said resident software and said available software are has not been authenticated; and
 - setting an authentication flag if said resident software is not authenticated but and said available software is authenticated; and
 - updating said resident software if said resident software is not authenticated but and said available software is authenticated.
2. (Currently Amended) A method for configuration management for a computing device, comprising:
 - providing available software to be loaded into said computing device to update a resident software within said computing device;
 - determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;
 - determining whether or not said available software is authenticated;
 - rejecting said available software if said resident software is authenticated and said available software is not authenticated; and
 - updating said resident software with said available software if one of the following three conditions is met:
 - (1) said resident software and said available software are authenticated,
 - (2) said resident software and said available software are not authenticated,
 - (3) said resident software is not authenticated but said available software is authenticated.
3. (Previously Presented) The method of claim 2 wherein said determining

Attorney Docket No. 990301

whether or not said resident software is authenticated comprises of:

determining whether or not an authentication flag has been set;
wherein said resident software is determined to be authenticated if an authentication flag has been set; otherwise
said resident software is determined to be unauthenticated.

4. (Previously Presented) The method of claim 3 wherein said authentication flag is set when said authenticated software is loaded onto said computing device if said resident software is not authenticated but said available software is authenticated.

5. (Previously Presented) The method of claim 4 wherein said authentication flag is set by a service technician.

6. (Previously Presented) The method of claim 2 wherein said determining whether or not said resident software is authenticated comprises of performing a direct authentication procedure on said resident software.

7. (Previously Presented) The method of claim 6 wherein said performing a direct authentication procedure comprises performing a cyclic redundancy check.

8. (Previously Presented) The method of claim 6 wherein said performing a direct authentication procedure comprises performing a secure hashing algorithm.

9 - 20. (Canceled).

21. (New) An apparatus for configuration management for a computing device, comprising:

means for providing available software to be loaded into said computing device to update a resident software within said computing device;

means for determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

means for determining whether or not said available software is authenticated;

means for updating said resident software with said available software if said resident software and said available software are not authenticated;

means for setting an authentication flag if said resident software is not authenticated but said available software is authenticated; and

Attorney Docket No. 990301

means for updating said resident software if said resident software is not authenticated but said available software is authenticated.

22. (New) An apparatus for configuration management for a computing device, comprising:

means for providing available software to be loaded into said computing device to update a resident software within said computing device;

means for determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

means for determining whether or not said available software is authenticated;

means for rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

means for updating said resident software with said available software if one of the following three conditions is met:

(1) said resident software and said available software are authenticated,

(2) said resident software and said available software are not authenticated,

(3) said resident software is not authenticated but said available software is authenticated.

23. (New) A computer-readable medium embodying instruction, which when executed by a processor, implement a method for configuration management for a computing device, the method comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

updating said resident software with said available software if said resident software and said available software are not authenticated;

setting an authentication flag if said resident software is not authenticated but said available software is authenticated; and

updating said resident software if said resident software is not authenticated but said available software is authenticated.

24. (New) A computer-readable medium embodying instruction, which when

Attorney Docket No. 990301

executed by a processor, implement a method for configuration management for a computing device, the method comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

updating said resident software with said available software if one of the following three conditions is met;

- (1) said resident software and said available software are authenticated,
- (2) said resident software and said available software are not authenticated,
- (3) said resident software is not authenticated but said available software is authenticated.

Attorney Docket No. 990301

REMARKS

Claims 1-20 are pending in the present application. In the above amendments, claims 1-2 have been amended, claims 9-20 are canceled, and new claims 21-24 are added. Therefore, after entry of the above amendments, claims 1-8 and 21-24 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

1. Rejection under 35 U.S.C. Section 102(e)

The Examiner rejected Claims 2-3, 5-6, 10-11, 13-14, 18, and 20 are being allegedly anticipated by U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Per Claims 2, 22, and 24, Applicants respectfully submit that Shaw does not disclose "rejecting said available software if said resident software is authenticated and said available software is not authenticated; updating said resident software with said available software if one of the following three conditions is met: (1) said resident software and said available software are authenticated, (2) said resident software and said available software are not authenticated, or (3) said resident software is not authenticated but said available software is authenticated," as now claimed. The support for this limitation is provided by FIG. 2, for example.

Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the Downloader 70 has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

2. Rejection under 35 U.S.C. Section 103(a)

The Examiner rejected Claims 1, 4, 9, 12, 17 and 19 are being allegedly unpatentable over U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully

Attorney Docket No. 990301

traverse this rejection.

Per claims 1, 21, and 23, Applicants respectfully submit that Shaw does not disclose "updating said resident software with said available software if said resident software and said available software are not authenticated; setting an authentication flag if said resident software is not authenticated but said available software is authenticated; and updating said resident software if said resident software is not authenticated but said available software is authenticated." Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the code has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

Attorney Docket No. 990301

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: December 28, 2005

By: Abdollah Katbab
Abdollah Katbab, Reg. No. 45,325
(858) 651-4132

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